

JACK LANDMAN GOLDSMITH

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PROFESSIONAL EXPERIENCE

Harvard Law School, Henry L. Shattuck Professor of Law, 2004-present

Hoover Institution, Stanford University, Senior Fellow, 2014-present

Department of Justice, Assistant Attorney General, Office of Legal Counsel, 2003-2004

Department of Defense, Special Counsel to the General Counsel, 2002-2003

University of Chicago Law School, Professor, 1999-2003; Associate Professor, 1997-1999

University of Virginia School of Law, Associate Professor, 1994-1997

Covington & Burling, Washington, D.C., Associate, 1992-1994

Iran-U.S. Claims Tribunal, The Netherlands, Legal Assistant to Judge George Aldrich, 1991-1992

United States Supreme Court, Law Clerk to Justice Anthony M. Kennedy, 1990-1991

United States Court of Appeals for the Fourth Circuit, Law Clerk to Judge J. Harvie Wilkinson, 1989-1990

EDUCATION

Hague Academy of International Law, Diploma in Private International Law, 1992

Yale Law School, J.D., 1989

Oxford University, B.A., 1986, M.A., 1991, First Class Honors

Washington & Lee University, B.A., 1984, *Summa Cum Laude*

Colby College, Honorary Degree, Doctor of Laws, 2009

PUBLICATIONS

The following list of publications is limited to books and academic articles. For lectures, speeches, book reviews, essays, op-eds, briefs, and blog posts, please see www.jackgoldsmith.org and www.lawfareblog.com/contributors/jgoldsmith.

Books

In Hoffa's Shadow: A Stepfather, A Disappearance in Detroit, and My Search for the Truth
(Farrar Straus & Giroux, forthcoming September 2019)

Power and Constraint: The Accountable Presidency After 9/11 (W.W. Norton, 2012)

The Terror Presidency: Law and Judgment Inside the Bush Administration (W.W. Norton 2007)

Who Controls the Internet? Illusions of a Borderless World (Oxford University Press) (2006) (with Tim Wu)

Orwell and Our Future (co-editor with Abbott Gleason and Martha Nussbaum) (Princeton Press) (2005)

The Limits of International Law (with Eric Posner) (Oxford University Press) (2004)

International Dispute Resolution: The Regulation of Forum Selection (1997) (editor)

Casebooks

Foreign Relations Law: Cases and Materials (6th ed. Aspen) (2017) (with Curtis Bradley)

Hart & Wechsler's The Federal Courts and the Federal System, 2018 Supplement (with Richard Fallon, John Manning, and Amanda Tyler)

Conflict of Laws: Cases and Materials (7th ed. Aspen) (2015) (with Lea Brilmayer and Erin O'Hara O'Connor)

Articles

Sovereign Difference and Sovereign Deference on the Internet, *Yale Law Journal Forum* (2019)

International Law and Institutions in the Trump Era, 61 *Germ. Y.B. Int'l L.* (2018) (with Shannon Mercer)

Strengths Become Vulnerabilities: How a Digital World Disadvantages the United States in Its International Relations, Hoover Working Group on National Security, Technology, and Law, Aegis Paper No. 1806 (June 5, 2018) (with S. Russell)

The Failure of Internet Freedom, Knight First Amendment Institute (June 2018)

Executive Branch Crisis Lawyering and the "Best View," *Georg. J. Leg. Ethics* 261 (2018)

Presidential Control Over International Law, 131 *Harv. L. Rev.* 1201 (2018)

(with Curtis Bradley)

Paradoxes of the Deep State, in *Can It Happen Here?: Authoritarianism in America* (Cass Sunstein ed., 2018)

Obama's AUMF Legacy, 110 Am. J. Int'l L. 628 (2016) (with Curtis Bradley)

The Legal Legacy of Light-Footprint Warfare, 39:2 Wash. Qu. 7 (2016) (with Matthew Waxman)

The Protean Take Care Clause, 164 Penn. L. Rev. 1835 (2016) (with John Manning)

Zivotofsky II as Precedent in the Executive Branch, 129 Harv. L. Rev. 112 (2015)

The Irrelevance of Prerogative Power, and the Evils of Secret Legal Interpretation, in *Extra-Legal Power and Legitimacy, Perspectives on Prerogative* (Clement Fatovic and Benjamin Kleinerman, eds) (2013).

How Cyber Changes the Laws of War, 24 Eur. J. Int'l L. 129 (2013)

Reflections on Government Lawyering, 205 Mil. L. Rev. 192 (2010)

Law for States: International Law, Constitutional Law, Public Law, 122 Harv. L. Rev. 1791 (2009) (with Daryl Levinson)

Terrorism and the Convergence of Criminal and Military Detention Models, 60 Stan. L. Rev. 1079 (2008) (with Bobby Cheney)

Sosa, Customary International Law, and the Continuing Relevance of *Erie*, 120 Harv. L. Rev. 869 (2007) (with Curtis Bradley and David Moore)

Justice Jackson's Unpublished Opinion in *Ex Parte Quirin*, 9 Green Bag 2d 223 (2006)

The President's Completion Power, 115 Yale L. J. 2280 (2006) (with John Manning)

The War on Terrorism: International Law, Clear Statement Requirements, and Constitutional Design, 118 Harv. L. Rev. 2683 (2005) (with Curtis Bradley)

Congressional Authorization and the War on Terrorism, 118 Harv. L. Rev. 2047 (2005) (with Curtis Bradley)

The Unexceptional U.S. Human Rights RUDs, 3 U. St. Thom. L.J. 311 (2005)

The Self-Defeating International Criminal Court, 70 U. Chi. L. Rev. 89 (2003)

Liberal Democracy and Cosmopolitan Duty, 54 Stan. L. Rev. 1667 (2003)

U.S. Civil Litigation and International Terrorism, in *Civil Litigation and International Terrorism* (John Norton Moore, ed. 2004) (with Ryan Goodman)

- The Limits of Idealism, *Daedalus* (Winter 2003) (with Stephen Krasner)
- Military Tribunals and Legal Culture: What a Difference Sixty Years Makes, 19 *Const. Comm.* 261 (2002) (with Cass Sunstein)
- Moral and Legal Rhetoric in International Relations: A Rational Choice Perspective, 21 *J. Leg. Stud.* S115 (2002) (with Eric A. Posner)
- Empirical Methodology and Legal Scholarship, 69 *U. Chi. L. Rev.* 153 (2002) (with Adrian Vermeule)
- The Constitutional Validity of Military Commissions, 5 *Green Bag 2d* 249 (2002) (with Curtis A. Bradley)
- Further Thoughts on Customary International Law, 23 *Mich. J. Int'l L.* 191 (2001) (with Eric Posner)
- The Internet and the Legitimacy of Remote Cross-Border Searches, 2001 *Univ. of Chi. Leg. Forum* 103
- Statutory Foreign Affairs Preemption, 2000 *Sup. Ct. Rev.* 175 (2001)
- The Internet and the Dormant Commerce Clause, 110 *Yale L. J.* 785 (2001) (with Alan O. Sykes)
- Treaties, Human Rights, and Conditional Consent, 149 *Penn. L. Rev.* 399 (2000) (with Curtis Bradley)
- Should International Human Rights Law Trump U.S. Domestic Law?, 1 *Chi. J. Int'l L.* 327 (2000)
- The Internet, Conflicts of Regulation, and International Harmonization, in *Governance in the Light of Differing Local Values* (Engel and Keller, eds. 2000)
- Sovereignty, International Law, and International Relations Theory, 52 *Stan. L. Rev.* 959 (2000)
- Unilateral Regulation of the Internet: A Modest Defense, 11 *Eur. J. Int'l L.* 135 (2000)
- Understanding the Resemblance between Modern and Traditional Customary International Law, 40 *Va. J. Int'l L.* 639 (2000) (with Eric Posner)
- Pinochet*, Head-of-State Immunity, and International Human Rights Litigation in U.S. Courts, 97 *Mich. L. Rev.* 2129 (1999) (with Curtis Bradley)
- A Theory of Customary International Law, 66 *U. Chic. L. Rev.* 1113 (1999) (with Eric Posner)
- The New Formalism in United States Foreign Relations Law, 70 *Colo. L. Rev.* 1395 (1999)
- Against Cyberanarchy, 65 *Chi. L. Rev.* 1199 (1998)

- The Abiding Relevance of Federalism to U.S. Foreign Relations, 92 Am. J. Int'l L. 675 (1998) (with Curtis Bradley)
- Notes Toward a Theory of Customary International Law, in Proceedings of the American Society of International Law 53 (1998) (with Eric Posner)
- What Internet Gambling Legislation Teaches About Internet Regulation, 32 Int'l Lawyer 1115 (1998)
- Regulation of the Internet: Three Persistent Fallacies, 73 Chic.-Kent L. Rev. 1119 (1998)
- International Human Rights Law and the United States Double Standard, 1 Green Bag 2d 365 (1998)
- Federal Courts and the Incorporation of International Law, 111 Harv. L. Rev. 2260 (1998) (with Curtis Bradley)
- The Internet and the Abiding Relevance of Territorial Sovereignty, 5 Ind. J. Glob. Leg. Stud. 475 (1998)
- Erie* and the Irrelevance of Legal Positivism, 84 Va. L. Rev. 673 (1998) (with Steven Walt)
- Federal Courts, Foreign Affairs, and Federalism, 83 Va. L. Rev. 1617 (1997)
- The Current Illegitimacy of International Human Rights Litigation, 66 Fordham L. Rev. 319 (1997) (with Curtis Bradley)
- Customary International Law as Federal Common Law: A Critique of the Modern Position, 110 Harv. L. Rev. 815 (1997) (with Curtis Bradley)
- Note, Interest Analysis Applied to Corporations: The Unprincipled Use of a Choice of Law Method, 98 Yale L.J. 597 (1989)